

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4242 of 2006()

REVN. PETITIONER: APPELLANT/ACCUSED:

BEENY THOMAS, S/O.THOMAS,
PADINJAREPEEDIKAYIL, MELAMBRA P.O.,
BHARANANGANAM, KOTTAYAM DISTRICT.

BY ADV. SRI.GEORGE MATHEW

RESPONDENTS: RESPONDENTS/COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
 2. RINCE SEBASTIAN,
S/O.V.J.DEVASIA, VETTUKALLEL,
BHARANANGANAM PO., KOTTAYAM DISTRICT.

R2 BY ADV. SRI.V.K.PEERMOHAMED KHAN
R1 BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 4242 OF 2006

Dated this the 1st day of December, 2006

O R D E R

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for four months and to pay a compensation of Rs. Two lakhs to the complainant under Section 357(3) of the Code of Criminal Procedure and in default of payment of compensation, to undergo simple imprisonment for two months. The petitioner challenged the conviction and sentence in appeal. The Appellate Court confirmed the conviction, but modified the sentence of imprisonment as imprisonment till rising of the Court. The direction to pay compensation was confirmed. However, the default sentence was enhanced to three months by the Appellate Court.

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2. Cr1.M.Appl.No.12267 of 2006, signed by the complainant as well as the accused, was filed under Section 147 of the Negotiable Instruments Act seeking to compound the offence under Section 138 of the Act. That application was allowed.

Accordingly, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K. T. SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

CRL.M.APPL.NO. 12267 OF 2006

Dated this the 1st day of December, 2006

O R D E R

This is an application under Section 147 of the Negotiable Instruments Act seeking to compound the offence under Section 138 of the Act. The application is supported by an affidavit of the revision petitioner/accused, wherein it is stated that the matter has been settled between the parties and at present, no amounts are due to the second respondent/complainant. Accordingly, the application is allowed.

(K. T. SANKARAN)
Judge

ahz/

CRL.R.P. NO.4242 OF 2006

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K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006